

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FREDERICK LYNN COLLINS

VS.

UNIVERSAL CABLE HOLDINGS, INC.
d/b/a SUDDENLINK COMMUNICATIONS

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CIVIL ACTION NO. _____

Judge _____

PLAINTIFF'S ORIGINAL COMPLAINT

A. Parties

1. Plaintiff, Frederick Lynn Collins, is an individual who is a citizen of Texas and a resident of Tyler, Smith County, Texas.
2. Universal Cable Holdings, Inc. d/b/a Suddenlink Communications is a foreign corporation doing business in the State of Texas. Defendant may be served with process by serving its registered agent, C. T. Corporation System, 350 N. Saint Paul Street, Suite 2900, Dallas, Texas 75201.

B. Jurisdiction

3. The court has jurisdiction over the lawsuit under the federal question jurisdiction 28 U.S.C. § 1331 because some of the civil actions alleged arise under federal laws prohibiting employment discrimination based on race pursuant to 42 U.S.C. § 2000e.

C. Venue

4. Venue is proper in this district under 42 U.S.C. § 2000e-5(f)(3) because the alleged unlawful employment practices were committed in this district.

D. Exhaustion of Administrative Remedies

5. Plaintiff timely filed charges of discrimination with the Equal Employment

Opportunity Commission (EEOC). Plaintiff files this complaint within ninety (90) days after receiving a notice of the right to sue from the EEOC. A copy of the notice of the right to sue is attached as Exhibit A.

E. Discrimination Under Title VII

6. Plaintiff is an employee within the meaning of Title VII and belongs to a class protected under the statute, namely the black race.
7. Defendant is an employer within the meaning of Title VII.
8. Defendant intentionally discriminated against Plaintiff because of his race in violation of Title VII by failing to pay at the same rate as white employees for the same work and position, by failing to treat his vacation the same as white employees, by using different standards in evaluating Plaintiff than those used to evaluate whites, and by finally terminating Plaintiff, based on a combination of race and in retaliation for his complaint about his most recent evaluation having racial influences.

F. Damages

9. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following injuries and damages:
 - a. Plaintiff was discharged from employment with Defendant resulting in lost pay in the past and future and costs of job search.
 - b. Plaintiff suffered loss of his pension and retirement benefits.
 - c. Plaintiff suffered mental anguish and emotional distress.

G. Attorney Fees

10. Plaintiff is entitled to an award of attorney fees and costs under 42 U.S.C. § 12205

and/or 42 U.S.C. § 2000e-5(k).

H. Additional Damages

11. In addition to the previously alleged damages (which Plaintiff alternatively seeks under this cause of action) Plaintiff seeks exemplary damages for Defendant's malicious actions, clearly arising from ill will, spite, evil motive and with a purpose to injure Plaintiff.

I. Prayer

12. For these reasons, Plaintiff asks for judgment against Defendant for the following:
- a. Lost wages and benefits;
 - b. Loss of pension or retirement benefits;
 - c. Mental anguish and emotional distress;
 - d. Exemplary damages;
 - e. Costs of suit; and
 - f. All other relief the Court deems appropriate.

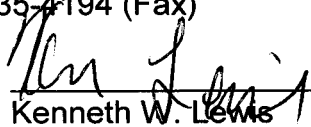
J. Jury Demand

Plaintiff requests a trial by jury.

Respectfully submitted,

BUSH LEWIS, PLLC
595 Orleans Street, Suite 500
Beaumont, TX 77701
409/835-3521
409/835-4194 (Fax)

By: _____


Kenneth W. Lewis
Ken.L@bushlewis.com
Texas Bar #12295300

ATTORNEYS FOR PLAINTIFF

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Fredrick L. Collins**
1701 Outer Drive
Tyler, TX 75701

From: **Dallas District Office**
207 S. Houston St.
3rd Floor
Dallas, TX 75202

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On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2010-01369

O. Marie Holland
Investigator

(214) 253-2878**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -*(See the additional information attached to this form.)*

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission


Michael C. Fetzer,
Director

5/13/2011

(Date Mailed)

cc: **SUDDENLINK COMMUNICATIONS**
c/o Anthony Grice, Attorney
Husch, Blackwell, Sanders LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

EXHIBIT**A**